



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 10/057,259

Filed: October 25, 2001

Inventor(s):

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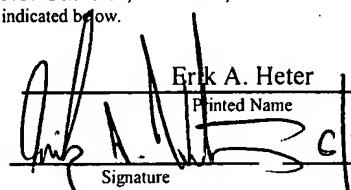
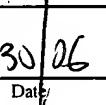
Title: METHOD AND
APPRATUS FOR
MANAGING DATA TIME
OUTS

Examiner: Bhatia, Ajay M.

Group/Art Unit: 2145

Atty. Dkt. No: 5681-49700

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REPLY BRIEF TO EXAMINER'S ANSWER

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Sir/Madam:

In response to the Examiner's Answer mailed May 2, 2006, Appellants present this Reply Brief. Appellants respectfully request that this reply brief be entered pursuant to 37 C.F.R. § 1.193(b)(1) and considered by the Board of Patent Appeals and Interferences.

REPLY TO EXAMINER'S ANSWER

A. Claims 1-12 and 38-40

In Section 10 of the Examiner's Answer, entitled 'Response to Argument', the Examiner states that he disagrees with the Appellant's interpretation of Eden. More specifically, the Examiner contends that Eden discloses in Figure 5 that the availability of a device which is based upon queries to the device to identify if the device is available, wherein the query times out if the device is not available and places an X over the device signifying the device is not available. The Examiner also contends that Figure 8 shows that the GUI interface displays the result of the query (true available, false not available and query has timed out), and based on if a query times out, the GUI is update.

Despite the Examiner's assertions, Appellant respectfully maintains that Eden does not teach a

"a scoreboard comprising a plurality of locations adapted to store transaction identifiers each associated with a transaction, wherein each transaction comprises a first client sending a request to a second client, and wherein each transaction identifier includes a first timer flag and a second timer flag"
(emphasis added).

Appellant respectfully submits that Eden merely teaches device identifiers, with an indication of whether or not the device is available on an associated network, and further submits that such device identifiers are not equivalent to transaction identifiers each associated with a transaction comprising a first client sending a request to a second client. Appellant submits that the device identifiers remain displayed on the GUI of Eden regardless of how many queries are performed to determine the availability of the associated device, and thus do not identify a specific transaction comprising a first client sending a request to a second client.

The Examiner further states that Appellant argues “Eden fails to teach a first timer flag and a second timer flag.” Appellant respectfully submits that the Examiner has misquoted Appellant’s argument, and has thus mischaracterized it. In the Appeal Brief filed March 30, 2006, Appellant argues that “The Examiner has further failed to point out how the device names of Eden include a first timer flag and a second timer flag.” Appellant maintains this argument, and submits that the device names of Eden (which the Examiner characterizes as being equivalent to Appellant’s claimed transaction identifiers) merely provides an indication of whether a device timed out when queried for availability. Appellant submits that this is not equivalent to including a first timer flag and a second timer flag.

The Examiner further cites paragraph 47 of Eden and contends that this paragraph discusses four different types of time-outs provided. However, this paragraph does not provide any teaching or suggestion that these time-outs (and thus first and second timer flags) are somehow included in a device name. Paragraph [0047] of Eden states:

“[0047] Some functions, such as connect(), will timeout automatically. The timeout for connect() affects non-blocking as well as blocking operations. The GUI application does not have any control over the timeout period for these functions, however, the network system alone determines when their timeout occurs. These network-system timeouts are related to the timeouts implemented for the protocols in use (e.g., ARP timeout, TCP SYN, ACK timeouts, or DNS query timeouts). The WinSock API does not provide a way to detect or change these network-system timeout values.” (Emphasis added).

In the above citation of Eden, it clearly states that the GUI application does not have any control over the timeout period for functions such as the connect() function. However, the Examiner has equated the GUI of Eden to the scoreboard of Appellant’s claim 1, and further, has equated the device names of Eden to the transaction identifiers of Appellant’s claim 1. However, if the GUI application does not have any control over the timeout

period for the network-system timeouts discussed in paragraph [0047], then it is clear that the device names of Eden, contrary to the Examiner's assertion, do not include first and second timer flags. Appellant further notes that paragraph [0047] of Eden states that the WinSock API does not provide a way to detect or change these network-system timeout values. Thus, Appellant submits that it is clear that the device names of Eden, which are displayed on the GUI, do not include first and second timer flags, contrary to the Examiner's assertions.

The Examiner also contends that Appellant argues that Eden does not teach "querying device manages a plurality of transaction identifiers", and notes that the current limitation does not appear in the claim limitations. Appellant respectfully submits that the Examiner has misunderstood Appellant's argument. In the final office action, the Examiner states "the gui interface is [the one] the querying device [is the device] adapted to manage the scoreboard." Appellant interprets this statement as the Examiner stating that the GUI interface is the querying device and that it is also the device adapted to manage the scoreboard, and further, interprets the Examiner as equating the GUI interface (i.e. the querying device) to Appellant's claimed device adapted to manage the plurality of transaction identifiers in the scoreboard. As Appellant disagrees with the Examiner's characterization of the device names of Eden as being equivalent to Appellant's claimed transaction identifiers, Appellant respectfully disagrees with the Examiner's argument. Furthermore, in light of Eden's statements in paragraph [0047], Appellant submits that the GUI merely displays device names indicating the availability of an associated device on a network, but does not manage transaction identifiers each including first and second timer flags, as the above citation clearly states that the GUI application (which the Examiner equates to Appellant's claimed scoreboard) does not have any control over the timeout period for the discussed timeout functions as the network system alone determines when their timeout occurs, and that the WinSock API does not provide a way to detect or change these network-system timeout values.

For at least the foregoing reasons, Appellant respectfully submits the Examiner's rejection of claims 1-12 and 38-40 under 35 U.S.C. § 102(e) is in error, and thus respectfully requests reversal of the Examiner's decision.

B. Claims 13-18 and 41-43

Independent claim 13 recites:

"An apparatus, comprising:

a scoreboard comprising a plurality of locations adapted to store transaction identifiers each associated with a transaction, wherein each transaction comprises a first client sending a request to a second client, and wherein each transaction identifier includes a first timer flag and a second timer flag;

a timer adapted to compare the length of time the transaction identifiers remain in the scoreboard to a predetermined latency period; and

a fill-code generator adapted to initiate a time-out sequence when notified that at least one transaction identifier has remained in the scoreboard for substantially longer than the predetermined latency period" (Emphasis added).

With respect to the scoreboard, transactions, transaction identifiers, and first and second timer flags, Appellant submits that Eden does not teach or suggest these features for at least the same reasons as stated above in reference to claim 1. In the Appeal Brief filed on March 30, 2006, Appellant presented additional arguments for claims 13-18 and 41-43 in regard to the clauses that begin with "a timer ..." and "a fill code generator ...". These arguments, will now be discussed in further detail.

In the Examiner's Answer, the Examiner responded to Appellant's argument regarding the timer by citing a definition of a timeout from the Microsoft Press Computer Dictionary, Third Edition, 1997. However, Appellant submits that neither this nor any

other definition of a timeout is relevant to Appellant's argument that Eden does not teach or suggest a timer adapted to compare the length of time the transaction identifiers remain in the scoreboard to a predetermined latency period. The definition of a timeout as presented in the Examiner's citation provides no teaching or suggestion as to where, how, and under what conditions a timeout is initiated in either Eden or in Appellant's claimed apparatus.

As previously noted, the Examiner equates the device names taught by Eden to Appellant's claimed transaction identifiers, a position which Appellant disagrees. However, arguendo, even if one were to accept the Examiner's interpretation, Eden still would not teach the timer as recited in claim 13. The device names of Eden remain displayed by the GUI indefinitely in order to display whether an associated device is available to the network. However, this does not change the fact that Eden provides no teaching or suggestion of a timer that compares the length of time the device names remain displayed in the GUI to a predetermined latency period. **Thus, regardless of the definition of a timeout, even if one were to accept the Examiner's interpretation of the Eden's device names as being equivalent to Appellant's claimed transaction identifiers and Eden's GUI as being equivalent to Appellant's claimed scoreboard, Eden still would not teach a timer adapted to compare the length of time the transaction identifiers remain in the scoreboard to a predetermined latency period.** Eden provides no teaching or suggestion of a timer that compares the length of time device names remain displayed in the GUI to a predetermined latency period, or any time period for that matter.

Appellant further argued in the Appeal Brief of March 30, 2006, that Eden does not teach or suggest a fill-code generator adapted to initiate a time-out sequence when notified that at least one transaction identifier has remained in the scoreboard for substantially longer than the predetermined latency period. As taught in Eden, a timeout is initiated based on the failure of a network device to respond to a query. In fact, as noted above in the citation of Eden's paragraph [0047], the GUI application does not have

any control over the timeout period for the functions discussed therein, as the network system alone determines when their timeout occurs. Thus, the initiation of a timeout as taught in Eden has no relation to the length of time a device name has been displayed by the GUI, or for that matter, whether or not a transaction identifier has remained in the scoreboard for substantially longer than a predetermined latency period.

For at least the foregoing reasons, Appellant respectfully submits the Examiner's rejection of claims 13-18 and 41-43 under 35 U.S.C. § 102(e) is in error, and thus respectfully requests reversal of the Examiner's decision.

C. Claims 19-30

Independent claim 19 recites:

"A method, comprising:

storing at least one transaction identifier in at least one of a plurality of locations in a scoreboard, wherein the at least one transaction identifier is associated with a transaction, wherein each transaction comprises a first client sending a request to a second client in a system, and wherein each transaction identifier includes a first timer flag and a second timer flag;

timing a selected duration; and

initiating a time-out sequence if the selected duration is substantially longer than a predetermined latency period" (Emphasis added).

With respect to the scoreboard, transactions, transaction identifiers, and first and second timer flags, Appellant submits that Eden does not teach or suggest these features for at least the same reasons as stated above in reference to claim 1. Accordingly, Appellant respectfully submits the Examiner's rejection of claims 19-30 under 35 U.S.C. § 102(e) is in error, and thus respectfully requests reversal of the Examiner's decision.

D. Claims 31-37

Independent claim 31 recites:

“A method, comprising:

storing at least one transaction identifier in at least one of a plurality of locations in a scoreboard, wherein the at least one transaction identifier is associated with a transaction, wherein each transaction comprises a first client requesting data from a second client in a system, and wherein each transaction identifier includes a first timer flag and a second timer flag;

detecting approximately synchronously transaction identifiers that have been stored in the scoreboard during the previous period of a free-running timer having a period approximately equal to a predetermined latency period;

determining approximately synchronously when at least one of the transaction identifiers has been stored in the scoreboard for substantially longer than one cycle of the free-running timer;

and initiating approximately synchronously a time-out sequence if the transaction identifier remains in the scoreboard substantially longer than a predetermined latency period” (Emphasis added).

With respect to the scoreboard, transactions, transaction identifiers, and first and second timer flags, Appellant submits that Eden does not teach or suggest these features for at least the same reasons as stated above in reference to claim 1. In the Appeal Brief filed March 30, 2006, Appellant submitted additional arguments regarding the “detecting”, “determining”, and “initiating” clauses of claim 31. These arguments will be discussed in further detail below.

With respect to detecting approximately synchronously transaction identifiers that have been stored in the scoreboard during the previous period of a free-running timer having a period approximately equal to a predetermined latency period, determining approximately synchronously when at least one of the transaction identifiers has been

stored in the scoreboard for substantially longer than one cycle of the free-running timer, and initiating approximately synchronously a time-out sequence if the transaction identifier remains in the scoreboard substantially longer than a predetermined latency period. Appellant submits that Eden provides no teaching or suggestion of these combinations of features. In the Examiner's Answer, the Examiner again cites paragraph [0047] of Eden. More particularly, the Examiner states that "paragraph 47 [refers] to [a] DNS query timeout, which if a query is sent to a DNS server, and if no response is [not] received in the expected one-cycle, a DNS time-out occurs."

Even if one were, arguendo, to accept the Examiner's interpretation of a device name of Eden as being equivalent to one of Appellant's claimed transaction identifiers, and the GUI of Eden as being equivalent to Appellant's claimed scoreboard (interpretations, as noted above, with which Appellant respectfully disagrees), Eden still does not teach or suggest all of the elements of independent claim 31. With respect to the DNS timeout to which the Examiner refers, Eden teaches detecting the amount of time since the query was initiated. **The amount of time a query has been pending as taught by Eden has no relation to the amount of time a device name has been displayed in the GUI** (wherein the Examiner has equated the device names and the GUI to Appellant's claimed transaction identifiers and scoreboard, respectively). Accordingly, Eden does not teach or suggest detecting approximately synchronously transaction identifiers that have been stored in the scoreboard during the previous period of a free-running timer having a period approximately equal to a predetermined latency period, nor does Eden teach or suggest determining approximately synchronously when at least one of the transaction identifiers has been stored in the scoreboard for substantially longer than one cycle of the free-running timer. In fact, **Appellant can find no teaching or suggestion in Eden of detecting or determining an amount of time a device name has been displayed in the GUI**. Accordingly, Appellant submits that regardless of how one interprets the device names and GUI of Eden, Eden still does not teach the features recited in the "detecting" and "determining" clauses of claim 31.

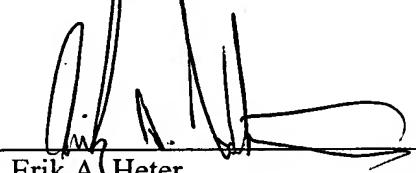
Furthermore, even if one were, arguendo, to accept the Examiner's interpretation of a device name of Eden as being equivalent to one of Appellant's claimed transaction identifiers, and the GUI of Eden as being equivalent to Appellant's claimed scoreboard, Eden still does not teach initiating approximately synchronously a time-out sequence if the transaction identifier remains in the scoreboard substantially longer than a predetermined latency period. Appellant notes that the DNS timeout to which the Examiner refers, and the initiation thereof, is not based on the amount of time a device name has been displayed in the GUI (wherein the Examiner has equated the device names and GUI of Eden to Appellant's claimed transaction identifiers and scoreboard, respectively). For that matter, Eden provides no teaching or suggestion that the DNS or any other type of timeout as being based on the amount of time a device name has been displayed in the GUI. The Examiner refers to paragraph [0045] of Eden, which discusses the performing of a query to a corresponding component (device), wherein a timeout will expire if the device is offline. However, as noted in paragraph [0047], the GUI application does not have any control over the timeout period for these functions, as the network system alone determines when their timeout occurs. Accordingly, it is clear that according to the teachings of Eden that timeouts in the disclosed system are not initiated based on the amount of time a device name has been displayed in the GUI. In fact, Eden teaches that initiating a query, determining the a timeout period has expired, and initiating a timeout sequence all occur independently of the GUI application, as paragraph [0047] clearly states that the network system alone determines when a timeout occurs. Thus, even if one were to accept the Examiner's interpretations of the device names and GUI as equivalent to Appellant's claimed transaction identifiers and scoreboard, respectively, Eden still does not teach "initiating ... a time out sequence ..." in accordance with the combinations of features recited in claim 31.

For at least the foregoing reasons, Appellant respectfully submits the Examiner's rejection of claims 31-37 under 35 U.S.C. § 102(e) is in error, and thus respectfully requests reversal of the Examiner's decision.

VII. CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-43 was erroneous, and reversal of his decision is respectfully requested.

Respectfully submitted,


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